

# HOUSE BILL REPORT

## HB 2832

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**As Reported by House Committee On:**  
Education

**Title:** An act relating to recodifying the state's educational obligations under Article IX, sections 1 and 2 of the state Constitution.

**Brief Description:** Recodifying the basic education act.

**Sponsors:** Representatives Anderson, Fromhold, Priest, Haigh, Quall, Sullivan, Conway and Haler.

**Brief History:**

**Committee Activity:**

Education: 2/1/08, 2/4/08 [DP].

### Brief Summary of Bill

- Creates a new RCW chapter containing recodified sections of the 1977 Basic Education Act and references to programs held by the courts to be part of the state's obligations under Article IX of the State Constitution.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 9 members: Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh, Lias, Roach, Santos and Sullivan.

**Staff:** Barbara McLain (786-7383).

#### **Background:**

The Legislature adopted the Basic Education Act (BEA) in 1977. The BEA sets forth the goals, educational program requirements, and distribution of resources for a program of education deemed by the Legislature to comply with the state's obligations under Article IX, Sections 1 and 2 of the State Constitution. The BEA was in response to a ruling by Thurston County Superior Court Judge Robert Doran (Doran I) holding that the state had not expressly defined, determined the substantive content of, or funded a program of basic education.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In subsequent decisions, most notably Doran II in 1983, the courts have held that a number of educational programs in addition to the program defined in the BEA are part of the state's constitutional obligations, including:

- special education programs for students with disabilities;
- transitional bilingual education programs;
- remediation assistance programs (now known as the learning assistance program); and
- transportation for some students.

These programs, plus the BEA and educational programs for students in residential and juvenile institutions, have come to be referred to as "basic education," signifying a constitutional obligation by the state to provide the programs. However, there are no references in statute to this designation. The statutes creating the other programs are located in various chapters of the school code.

In 2000 the State Supreme Court (Tunstall) found that juveniles detained in adult correctional facilities have a constitutional right to a public education, but this right is covered by a separate program of education created in statute for those students rather than by the BEA.

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**Summary of Bill:**

A new RCW chapter is created that contains recodified sections of the 1977 BEA and references to the following other programs: special education, transportation for eligible students, the Learning Assistance Program, the Transitional Bilingual Program, and institutional education. Other statutes dealing with administration of basic education programs and funding are recodified into the new chapter. It is noted that the education program for children incarcerated in adult correctional facilities is part of the state's constitutional obligations but not part of the BEA.

Technical corrections are made to statutes that contain references to sections that will be part of the new chapter.

It is stated that the bill does not expand, diminish, or alter the state's obligations under Article IX of the State Constitution.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed, except section 248, a section of current law with a delayed effective date, which takes effect January 1, 2012.

**Staff Summary of Public Testimony:**

(In support) There is a great deal of discussion about recognizing, redefining, and funding basic education. But there is no single spot in the law to make changes, which adds complexity to the process and is confusing. This bill consolidates in one place the current definition of basic education. That way when there are recommendations from the Basic Education Finance Task Force, we will understand their ramifications and be able to effectuate them.

(Opposed) None.

**Persons Testifying:** Representative Anderson, prime sponsor; and Barbara Mertens, Washington Association of School Administrators.

**Persons Signed In To Testify But Not Testifying:** None.